

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Christopher Lee Johnson,)	Case No.: 6:24-cv-6461-JD-KFM
)	
Plaintiff,)	
)	
vs.)	
)	
)	ORDER AND OPINION
Lt. Cleaveland, Lt. Ward, Sgt.)	
Cassados, Lt. Johnson, South Carolina))	
Department of Corrections, Broad)	
River Correctional Institution,)	
)	
Defendants.)	
)	

This matter is before the Court with the Report and Recommendation (“Report”) of United States Magistrate Judge Kevin F. McDonald (DE 23), made under Local Civil Rule 73.02(B)(2) of the District of South Carolina, concerning the Magistrate Judge’s initial review of Plaintiff Christopher Lee Johnson’s (“Plaintiff” or “Johnson”) pleadings. (DE 1.)

A. Background

The Report sets forth the relevant facts and legal standards, which the Court incorporates without a complete recitation. In any event, the Court provides this summary as a brief background. Johnson, a state prisoner currently in the custody of Lieber Correctional Institution, alleges he suffered physical injuries over two incidents while he was incarcerated at Broad River Correctional Institution (“Broad River”). (DE 1.) He alleges that on May 4, 2023, Lt. Johnson told him to put his hands

behind his back, and even though he complied, he was “bummed-rushed” and slammed into the bunk bed and the floor. (DE 1 at 6–7, 8.)

Plaintiff contends that during the incident, Lt. Johnson kept spraying him with chemical munitions; Lt. Ward and Sgt. Cassados broke his arm, knee, and back; and Lt. Cleaveland and others raped him. (*Id.* at 6, 8.) Plaintiff also contends that when he arrived at the medical unit, the attendants claimed that he had been high on something, but Plaintiff says that his injuries (and his heart stopping) were from being attacked. (*Id.* at 8.) Plaintiff further contends that the same attack happened again three days later, and as a result, Plaintiff suffered a broken shoulder, broken arm, bruised lumbar spine, dislocated right knee, an injury to his private parts, and he had to be treated at the hospital. (*Id.* at 7-8.) For relief, Plaintiff filed the instant action pursuant to § 1983, seeking money damages and to have the defendants criminally charged for the attack. (*Id.*)

B. Report and Recommendation

On February 28, 2025, the Magistrate Judge issued the Report recommending that Defendants South Carolina Department of Corrections (“SCDC”) and Broad River be dismissed with prejudice, without further leave to amend, and without issuance and service of process because they cannot be sued pursuant to § 1983. *See Harden v. Green*, 27 F. App’x 173, 178 (4th Cir. 2001) (It is well settled that only “persons” may act under color of law; thus, a defendant in a § 1983 action must qualify as a “person.”) However, this case will proceed as to Plaintiff’s claims against

Defendants Lt. Cleaveland, Lt. Ward, Sgt. Cassados, and Lt. Johnson. (DE 23.) Plaintiff did not object to the Report.

C. Legal Standard

In the absence of objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). The Court must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

D. Conclusion

Since Plaintiff has not objected, after a thorough review of the Report and Recommendation and the record in this case, the Court finds no clear error on the face of the record. Thus, the Court adopts the Report (DE 23) and incorporates it here by reference.

It is, therefore, **ORDERED** that Johnson’s claims against the South Carolina Department of Corrections and Broad River Correctional Institution are dismissed with prejudice, without further leave to amend, and without issuance and service of process.

IT IS SO ORDERED.

A handwritten signature in black ink that reads "Joseph Dawson, III". The signature is written in a cursive, flowing style with a large initial "J" and a stylized "D".

Joseph Dawson, III
United States District Judge

Florence, South Carolina

April 15, 2025

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.